

## REMARKS

Claims 1-29 are pending in this application. Claims 1 – 9, 16 and 20 have been amended. Claims 21-29 are new. No new matter has been added.

In view of the foregoing amendments and following remarks, Applicants respectfully request the Examiner to reconsider and withdraw all outstanding grounds of rejection. Applicants respectfully request allowance of the application.

Claims 7, 16 and 20 stand rejected under 35 USC § 112, second paragraph. Claims 7, 16 and 20 have been amended and are now in compliance with 35 USC § 112, second paragraph. Therefore, Applicants respectfully request that the § 112 rejection be withdrawn.

Claims 1-5, 7, and 10-13 stand rejected under 35 USC § 102(e) as anticipated by *Samaan*, U.S. Patent No. 6,535,013 (hereinafter *Samaan*). Claims 8, 9 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Samaan*, and further in view of *DeHaven et al.*, U.S. Patent No. 6,577,148 (hereinafter *DeHaven*). Claims 6 and 14-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Samaan*, and further in view of *Stinson et al.*, U.S. Patent No. 6,553,545 (hereinafter *Stinson*).

Applicants submit herewith a Declaration under 37 CFR § 1.131 stating that prior to *Samaan*'s effective date, December 28, 2000, Applicants conceived of the claimed invention and constructively reduced it to practice thereafter with due diligence.

The attached declaration describes in detail the conception of the present invention prior to December 28, 2000 and due diligence to the reduction of practice from prior to said date to the filing of the application of March 7, 2001. Therefore, the inventors conceived of the claimed invention prior to the effective date of *Samaan* (December 28, 2000) and diligently constructively reduced the invention to practice from before the effective date of *Samaan* until the filing date of the present application. Consequently, *Samaan* is not an effective reference under 35 USC § 102 and the Applicants respectfully submit that claims 1-5, 7 and 10-13 are allowable over *Samaan*.

Claims 6, 8-9 depend from independent claim 1, and claims 14-20 depend from independent claim 10. Therefore, claims 6, 8-9 and 14-20 are allowable for the reasons stated above with respect to the claim from which they depend, and for the additional features recited therein.

In addition, Applicants respectfully submit that, the applied art, applied either separately or in combination, does not disclose or suggest “controlling count gate control by a first circuit to select a first oscillator; generating a clock by the first oscillator in a second circuit; counting the clock generated by the first oscillator by a third circuit; outputting a count of the clock generated by the first oscillator by the third circuit; selecting a second oscillator in the second circuit; generating a clock by the second oscillator in the second circuit; counting the clock generated by the second oscillator by the third circuit; and outputting a count of the clock generated by the second oscillator by the third circuit.” as recited in new independent claim 21. Therefore, Applicants respectfully submit that new independent claim 21 is in condition for allowance over the applied art.

With respect to new independent claim 23, Applicants respectfully submit that, the applied art, applied either separately or in combination, does not disclose or suggest “a first circuit to control count gate control; a first oscillator to generate a clock, wherein the first circuit is to select the clock generated by the first oscillator; a third circuit to count the clock generated by the first oscillator and to output the count of the clock generated by the first oscillator; and a second oscillator to generate a clock, wherein the first circuit is to select the clock generated by the second oscillator, and the third circuit is to count the clock generated by the second oscillator and is to output the count of the clock generated by the second oscillator” as recited in new independent claim 23. Therefore, Applicants respectfully submit that new independent claim 23 is in condition for allowance over the applied art.

New claim 22 depends from new independent claim 21 and new claims 24-29 depend from new independent claim 23. Therefore, Applicants respectfully submit that new claims 22 and 24-29 are in condition for allowance over the applied art.

### **CONCLUSION**

In view of the above amendments and remarks, Applicants believe that the rejection against this application has been fully addressed and that the application is now in condition for allowance. Therefore, withdrawal of the rejection and a notice of allowance for the application is respectfully requested.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's deposit account no. 08-2025.

If the Examiner believes that a personal or telephonic interview would be of value in expediting the prosecution of this application, the Examiner is hereby invited to telephone the undersigned counsel to arrange for such a conference.

Respectfully submitted,



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Attachment: Declaration under 37 CFR § 1.131